

# EXHIBIT CC

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022

1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
United States of America, No.  
Plaintiff, 1:16-CV-03088-ELR  
vs.  
State of Georgia,  
Defendant.  
~~~~~

VIDEOTAPED ZOOM DEPOSITION OF

LARRY E. WINTER

November 30, 2022

9:01 a.m.

Dalton, Georgia

Marcella Daughtry, RPR, RMR

Georgia License No. 6595-1471-3597-5424

California CSR No. 14315

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022  
156

1           A    I would see a summary of it based on the  
2 children, their level of need and so on. I recall on  
3 rare occasions there would be questions about, where does  
4 this particular student fall? But beyond that, no.

5           Q    Okay. And do you ever remember reviewing  
6 applications that were coming from individual GNETS  
7 programs regarding those grant funding?

8           A    That's -- they would be requesting based on  
9 their student population. That's how they got their  
10 budget.

11          Q    All right. This next step here says, "Notify  
12 the fiscal agents regarding each fiscal year's allocation  
13 and approve GNETS services budget."

14                   What is this particular provision referring to?

15                   MR. BELINFANTE: Object to form.

16                   THE WITNESS: Sometimes the RESA was the fiscal  
17 agent because it had a pool of LEAs GNETS in one place.  
18 Okay, for example, we talked about Whitfield County had  
19 Whitfield County and the City of Dalton, okay, and we  
20 talked about others where there were multiple systems.  
21 So that's when it's talking about the fiscal agents could  
22 be an LEA, could be a RESA. Okay? When they turn in,  
23 just like when an LEA turns in its budgets, based on  
24 student numbers, a RESA is a -- a fiscal agent is for a  
25 GNETS program as well.

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022  
157

1 Q BY MS. HAMILTON: All right. So then you would  
2 notify the fiscal agents which could include RESAs about  
3 the allocation they were receiving for GNETS?

4 A (Inaudible.)

5 Q And then -- pardon me. Continue.

6 Okay. I just want to make sure. Is that an  
7 accurate summary of that first part?

8 A Yes, ma'am.

9 Q And then the second half of it says, "Approve  
10 GNETS services budgets."

11 What -- what are the services budgets?

12 A That would be the --

13 MR. BELINFANTE: Object to form.

14 THE WITNESS: (Inaudible.)

15 Q BY MS. HAMILTON: I'm sorry, I couldn't hear  
16 you.

17 THE REPORTER: That would be the what?

18 THE WITNESS: Okay. Roman numeral little ii is  
19 the money going to the GNETS operation, and iii is the  
20 money going out. Well, pardon me. I've got my numbers  
21 mixed up. Okay, the fiscal year's allocations, the money  
22 coming in, and services budget would be the money going  
23 out.

24 Q BY MS. HAMILTON: And by money going out, are  
25 you referring to money that the GNETS program is

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022  
170

1 and results."

2 A Which would make sense because there were 24  
3 blocks, so they are saying that they -- they did it for  
4 all 24.

5 Q When you served on the board, did you ever have  
6 any concerns regarding inadequate monitoring on the part  
7 of the State DOE?

8 MR. BELINFANTE: Object to form.

9 THE WITNESS: Not -- not in '16 and '17 with  
10 Clara and Nakeba. As I shared this morning, the  
11 superintendent wanted discussions to take place on a much  
12 more formal basis in late '19/'20 and so on, so the  
13 process -- the free flow of information was not as great.

14 Q BY MS. HAMILTON: I'm going to show another  
15 document momentarily. I'd like for the court reporter to  
16 mark this as Plaintiff's Exhibit 616.

17 (Plaintiff's Exhibit 616 was marked for  
18 identification.)

19 Q BY MS. HAMILTON: This is another document from  
20 the State Board of -- sorry, the State Department of  
21 Education public website with the board items. This  
22 document is titled "Georgia Department of Education Item  
23 for State Board of Education Approval - Grant." It also  
24 came from the same board meetings as supporting  
25 documentation. The date of this particular document that

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022  
171

1 was presented for the board's review was on May 30th,  
2 2019.

3 Mr. Winter, I will give you a moment to take a  
4 look at this, and let me know when you are ready.

5 A I'm ready.

6 Q Okay. So the item name here, it says, "FP -  
7 Grant - FY20 GNETS Grant for Supplemental Instruction."  
8 What is the difference between the grant for federal and  
9 state allotment that we just reviewed compared to this  
10 document, which is a grant for supplemental instruction?

11 A My understanding is the one we just did, that  
12 is based on student head counts, just as we fund the LEAs  
13 and so on. This one is additional \$151,000 to provide  
14 specific support materials evidently that would not be  
15 covered by those LEA-type grants.

16 Q Okay. Is this money that also had to be  
17 approved by the General Assembly and Governor before it  
18 could be awarded by the State Board?

19 A Ultimately, all money had to be approved by the  
20 General Assembly. Some are in larger pieces than others,  
21 but the answer would always be, it had to be approved by  
22 the General Assembly.

23 Q How did the State Board evaluate whether to  
24 grant requests for supplemental funding such as this?

25 A On something like this, we were relying on

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022  
172

1 staff and their reports and the other information we  
2 receive.

3 Q And then very quickly I just want to scroll  
4 down here. It also has a "Performance" section, and I  
5 just want to make sure I understand. What -- what does  
6 the State Board rely on to monitor the implementation of  
7 fidelity of this particular -- sorry, to monitor fidelity  
8 of implementation of this particular grant initiative?

9 MR. BELINFANTE: Object to form.

10 THE WITNESS: The fact that we send staff to  
11 each of the locations to have on-site visits, and -- and  
12 just like you, send internal audit teams to go look at  
13 their books.

14 Q BY MS. HAMILTON: Okay. And I just want to  
15 note here, similar to the other document that we looked  
16 at, where it says here, "Describe how the grant will be  
17 monitored to ensure satisfactory performance." In this  
18 last sentence, do you see where it says, "The  
19 supplemental instruction and diagnostic component is an  
20 item to be monitored for implementation fidelity on the  
21 strategic plan"?

22 Do you see that here?

23 A I do.

24 Q Was it your understanding that the strategic  
25 plan was also used as a tool for monitoring whether the

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022  
173

1 State DOE was implementing -- sorry, whether the GNETS  
2 were implementing these initiatives with fidelity?

3 A That would be my assumption from reading it,  
4 and I would be relying upon that.

5 Q All right. And I want to show you one  
6 additional board meeting item from that June 13th  
7 meeting.

8 MS. HAMILTON: I would like for the court  
9 reporter to mark this as Plaintiff's Exhibit 617.

10 (Plaintiff's Exhibit 617 was marked for  
11 identification.)

12 Q BY MS. HAMILTON: This was supporting  
13 documentation for grant item -- sorry, for budget item  
14 number 40 in that same meeting. Just noting at the  
15 bottom that the board also received this document on  
16 May 30th, 2019. The title says, "Georgia Department of  
17 Education Item for State Board of Education Approval -  
18 Grant," and the item in particular was "FP - Grant -  
19 FY20, State Allocation Therapeutic Services Reimbursement  
20 for GNETS Fiscal Agents."

21 Mr. Winter, I will give you a moment to scroll  
22 through to take a look. Let me know when you are ready.

23 A Okay.

24 Q And the main reason that I am showing this to  
25 you, I'm just trying to understand the various sources of

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022  
174

1 funding that can be awarded to some of the GNETS  
2 programs. This document references the therapeutic  
3 services reimbursement for GNETS fiscal agents. What is  
4 the therapeutic services reimbursement?

5 A As we discussed earlier, especially in small  
6 GNETS, they might not have either access to professionals  
7 in some of our more rural areas, or might not have a  
8 sufficient number of students to fully fund the required  
9 needs. This money was helping to fill in the gap if  
10 somebody had to -- they couldn't get a full-time  
11 employee, we had to pay people by the hour. There wasn't  
12 enough budget within the number of students they had to  
13 meet the needs, this was the State's way of meeting those  
14 students' needs.

15 Q And to make sure I understand what you were  
16 saying earlier, I believe you are saying all funding  
17 that's approved for the GNETS program has to be approved  
18 by the General Assembly and Governor -- Governor's  
19 Office. Is that correct?

20 A No, that's not what I said.

21 Q No? All right. Can you please clarify.

22 A I said, all state funding comes from the --  
23 from the General Assembly and the Governor. The federal  
24 funding would not. That's coming from the federal  
25 government.

LARRY E. WINTER  
UNITED STATES vs STATE OF GEORGIA

November 30, 2022

175

1 Q Sorry. I meant to say state funding. So is it  
2 an accurate summary that all state funding has to be  
3 approved by the General Assembly and the Governor's  
4 Office, including these reimbursement funds?

5 A All of those funds are in the -- the larger  
6 Georgia budget approved by that, that is correct.

7 Q Okay. And in this instance, it appears that  
8 these funds were only allotted for 11 GNETS programs; is  
9 that correct?

10 A Yes.

11 Q How does the State Board evaluate whether to  
12 grant reimbursement requests to these 11 programs in this  
13 instance?

14 A If you will recall what we said -- what I said  
15 earlier, it would be based on the -- it could be based on  
16 severity of the child, but more likely was this area, did  
17 it have enough students or was it in a rural area where  
18 it could not attract staff?

19 So, you know, for example, Metro Atlanta, they  
20 wouldn't have trouble with numbers or the ability to get  
21 staff, where extremely rural Georgia might have trouble  
22 with both.

23 Q Okay. And similar to the other board items,  
24 there is a performance section here, and it, among other  
25 things, asks for a description of how the grant would be